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Election
3628
JB
10/28/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Samuel Wayne Harrison et al.

Serial No.: 10/080126

Group Art Unit: 3628

Filed: 02/22/2002

Examiner: Antione Royall

For: Overlay Mattress

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants provisionally elect claims 1 through 15 and 18 through 41 with traverse. The elected claims include 1 independent claim, i.e., claim 1, and 28 dependent claims. All of the dependent claims involve the same inventive concept and embodiment as independent claim 1.

Notwithstanding the election, Applicant maintains that unelected dependent claims 16 and 17, which introduce limitations that are conceptually shown in Figures 4 and 11a-11f and Figure 5, are considered drawn to the same species of invention as the elected claims. Applicant further believes that examination of the unelected claims would not pose an unreasonable burden, as they are dependent upon the elected claims and introduce variations of the components of the inventive concept.

Therefore, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement.

Certificate of Express Mailing

I hereby certify that this document, a signed declaration, a check for the referenced fees, and the referenced non-provisional patent application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and is addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

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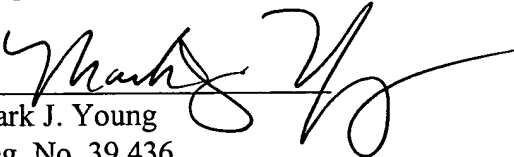
Date: October 10, 2003

Signature: 

Print Name: Mark J. Young

A petition for a one-month extension of time under 37 CFR 1.136(a) is enclosed herewith.
Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit
Account No. 13-0437.

Respectfully submitted,



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